MINUTES OF THE ADMINISTRATIVE RULES REVIEW COMMITTEE

Wednesday, January 7, 2004 – 9:00 a.m. – Room 131 State Capitol

Members Present:Members Absent:Sen. Howard A. Stephenson, Senate ChairSen. Mike DmitrichRep. David Ure, House ChairPresident Al Mansell

Sen. Ed Mayne

Sen. Michael G. Waddoups Staff Present:

Rep. Judy A. Buffmire Mr. Arthur L. Hunsaker, Policy Analyst

Rep. Greg J. Curtis

Ms. Susan Creager Allred, Associate General Counsel
Rep. James R. Gowans

Ms. Cassandra N. Bauman, Legislative Secretary

Note: A list of others present and a copy of materials can be found at <u>www.le.utah.gov</u> or by contacting the committee

secretary at 538-1032. A recording of the meeting may also be available from the Office of Legislative Research and

General Counsel.

1. Committee Business

Chair Ure called the meeting to order at 9:10 a.m. Sen. Dmitrich and President Mansell were excused from the meeting.

MOTION: Rep. Buffmire moved to approve the minutes of the December 8, 2003 meeting. The motion passed unanimously.

2. R156-73-601 Scope of Practice

Staff distributed "Request for a Legal Opinion," signed by the Senate President, Al Mansell. The document requested that the attorney general provide a written legal opinion regarding whether state statute permits chiropractors to practice acupuncture.

Rep. Curtis explained that the legal opinion request was delivered to the Attorney General's Office this morning. Sen. Mayne indicated that he would like to proceed on the issue without a formal legal opinion because of the limited time before the general session.

MOTION: Sen. Mayne moved that the Committee recommend R156-73-601 be repealed by the Legislature during the 2004 General Session. The motion passed unanimously.

3. School and Institutional Trust Lands Administration: Clarification of "policy" and "rule" in Statute

Mr. Kim Christy, SITLA (School and Institutional Trust Lands Administration), responded to questions regarding proposed amendments to Utah Code Sections 53C-1-201, 53C-1-303, and 53C-2-201 as distributed prior to the meeting.

MOTION: Rep. Gowans moved to accept technical suggestions from staff and adopt the proposed legislation as a committee bill. The motion passed with Rep. Curtis absent for the vote.

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4. Process for Review and Approval of Charter School Applications

Sen. Stephenson introduced the issue, explaining concerns regarding the manner in which the State School Board approves charter schools.

Staff distributed "Comments from Rick Johnson, President of Riverside Technology High School." Mr. Scott Brown, representative, Riverside Technology High School, and Ms. Catina Martinez-Hadley, member, Riverside Technology High School Board, explained the issues as specified in the distributed document. They indicated that a number of requirements which are not in rule are being forced upon charter schools.

Mr. Steve Lang, State Superintendent of Education, and Ms. Carol Lear, Coordinator, Government and Legislative Relations, State Office of Education, indicated that the application will likely be reconsidered at a meeting on Thursday, January 8, 2004.

Ms. Patricia Bradley, State Office of Education, provided her recollection of the Riverside Technology High School's application process.

Committee discussion followed.

5. R477-4-14 Reorganization

Sen. Stephenson explained that Mr. Rick Brown, who requested the item, indicated that he would like to remove the item from the agenda in light of recent information. Sen. Stephenson added that Mr. Brown asked if the issue should be referred to the Government Operations Interim Committee.

Committee discussion followed. Sen. Stephenson indicated that he will suggest to Mr. Brown that he pursue the issue further with a member of the Government Operations Interim Committee.

6. R994-403-11b Deferral of Work Application

Mr. Hunsaker introduced the issue. He explained that some Internal Revenue Service employees who work intermittently must now comply with state requirements to seek employment in order to receive unemployment benefits.

Mr. Christopher Love, Director, Unemployment Insurance, and Ms. Susan Pixton, Legal Counsel, Department of Workforce Services, explained the decision of the Department to impose this requirement on employees who are not assured of being back on the job within 10 weeks of a seasonal layoff.

7. Draft Bill, "Utah Administrative Rulemaking Act Amendments"

Sen. Stephenson said that he was concerned with how the bill shifts the burden to keep legislators informed of the implementation of their legislation from legislators to agencies.

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Mr. Hansen and Ms. Pixton expressed some concerns for the staff time and effort which would be necessary to implement the legislation.

Committee discussion followed.

8. Draft Bill, "Administrative Rules Reauthorization"

Mr. Hunsaker distributed and reviewed "Administrative Rules Reauthorization". He indicated that two of the rules in the legislation distributed have been allowed to lapse or were repealed by the agency. He also indicated that the Committee unanimously recommended for sunset R156-73-601 earlier in the meeting, which staff will add to the bill.

MOTION: Sen. Stephenson moved to delete lines 22-25 and, with the addition of R156-73-601, adopt the legislation as a committee bill. The motion passed with Rep. Curtis absent for the vote.

9. Other Items / Adjourn

Due to the lack of a quorum, Chair Ure adjourned the meeting at 11:47 a.m.